

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001	Civil Action No. 03 MDL 1570 (GBD)(FM)
--	---

This document relates to:

Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al., Case No. 03-cv-9849 (GBD)(SN)

PLAINTIFFS' NOTICE OF MOTION TO ADD PARTIES AGAINST THE TALIBAN

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and the Declaration of John M. Eubanks ("Eubanks Declaration"), along with the exhibit attached thereto, the *Burnett* Plaintiffs, by and through their counsel, respectfully move that this Court:

1. Order that the underlying complaint is deemed amended to add the plaintiffs listed on Exhibit A to the Eubanks Declaration as parties against the Taliban;
2. Order that the addition of these plaintiffs supplements by incorporation into, but does not displace, the underlying operative complaint;
3. Order, in the alternative to amendment, that the plaintiffs listed on Exhibit A to the Eubanks Declaration are added as plaintiffs to the *Burnett* case against the Taliban through Fed. R. Civ. P. 24 intervention;
4. Order that prior service, orders, and judgments entered in the case remain in effect as to all parties;
5. Order that all parties are bound by all prior rulings made in this case, including the Court's prior order on service by publication, ECF Nos. 445, 488;
6. Order that Case Management Order #2, ECF No. 247, ¶ 12 applies to the plaintiffs listed on Exhibit A to the Eubanks Declaration such that re-service of the Taliban is not required;

7. Order that upon granting the *Burnett* Plaintiffs' motion, Plaintiffs' counsel shall add the plaintiffs listed on Exhibit A to the Eubanks Declaration as Plaintiffs in this case in the Court's CM/ECF system; and
8. Granting such other and further relief that the Court deems just and proper.

Dated: October 25, 2022

Respectfully submitted,

/s/ John M. Eubanks

Jodi Westbrook Flowers, Esq.

Donald A. Migliori, Esq.

Michael Elsner, Esq. (SDNY Bar #ME8337)

Robert T. Haefele, Esq. (SDNY Bar #RH2811)

John M. Eubanks, Esq.

MOTLEY RICE LLC

Mount Pleasant, SC 29464

Telephone: (843) 216-9000

Facsimile: (843) 216-9450

jflowers@motleyrice.com

dmigliori@motleyrice.com

melsner@motleyrice.com

rhaefele@motleyrice.com

jeubanks@motleyrice.com

Attorneys for the Burnett Plaintiffs